

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RICHARD A. THORPE,	§
	§
Petitioner Below-	§ No. 221, 2003
Appellant,	§
	§
v.	§ Court Below—Family Court
	§ of the State of Delaware,
ANTOINETTE D. THORPE,	§ in and for New Castle County
	§ Petition No. 02-11653
Respondent Below-	§ File No. CN00-11009
Appellee.	§

Submitted: June 4, 2003

Decided: June 20, 2003

Before **VEASEY**, Chief Justice, **HOLLAND** and **BERGER**, Justices

**ORDER**

This 20th day of June 2003, it appears to the Court that:

(1) On April 23, 2003, this Court received the appellant’s notice of appeal from the Family Court’s order dated March 27, 2003, which dismissed the appellant’s “Motion for Education Documentation” and “Motion for Disposing of Real Estate” and ordered that all future pleadings filed by the appellant would be submitted to the judge for review prior to docketing.

(2) On April 25, 2003, the Clerk issued a notice, pursuant to Supreme Court Rule 29(b), directing the appellant to show cause why the appeal should not be dismissed for failure to comply with Supreme Court

Rule 42 when taking an appeal from an apparent interlocutory order. In his response, appellant argues that the Family Court's order is permanent because it encompasses "all future pleadings" and, therefore, should not be interpreted as interlocutory. Appellant further argues that the order improperly constitutes a form of censorship in violation of his free speech rights.

(3) Absent compliance with Rule 42, the jurisdiction of this Court is limited to the review of final judgments of trial courts.<sup>1</sup> An order is deemed to be final if the trial court has clearly declared its intention that the order be the court's "final act" in the case.<sup>2</sup> At the time appellant filed his appeal in this Court, the parties were preparing for a Family Court hearing regarding child support. In fact, as the Family Court observed in its order, the two motions it dismissed were in the nature of a discovery request prior to that hearing.

(4) The proceedings before the Family Court have not been finally resolved. Accordingly, an appeal from the Family Court to this Court is premature absent compliance with the requirements for taking an

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<sup>1</sup>*Julian v. State*, 440 A.2d 990, 991 (Del. 1982).

<sup>2</sup>*J.I. Kislak7788 Mortgage Corp. v. William Matthews, Builder, Inc.*, 303 A.2d 648, 650 (Del. 1973).

interlocutory appeal in accordance with Supreme Court Rule 42. Appellant has not attempted to comply with this Rule.

NOW, THEREFORE, IT IS ORDERED that appellant's appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland  
Justice